

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON MARCH 10, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Thum, Secretary called the meeting to order and established the presence of a quorum.

Present: Bryan Rice, Chair (arrived at 7:20 pm)
Ryan Thum, Secretary
Robert Miller, Member
John Tuttle, Member
Malvin Wells, Member
Frank Lau, Member
David Moore, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Zoning Technician
Jamie MacLean, Development Planner

Absent: William Seitz, Vice Chair
Walt Haynes, Member

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

Mr. Thum opened the public address session. There being no speakers, the public address session was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Miller, seconded by Mr. Wells, and unanimously carried the agenda was approved.

PUBLIC HEARING:

A request by WTB Partnership (Agent: Sarah Finkner) for a special use permit to allow a commercial kennel. The property is located at 3740 and 3750 South Main Street, and is identified as Tax Parcel Nos. 67A-A-4,5,6 (Acct # 015065, 015066, 009666) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Mr. Thum introduced the request.

Mrs. MacLean reviewed the location, maps, and photos of the property. There are three parcels included in the request; however, the business will be located only on the parcel that contains the brick structure. The proposed kennel operations will consist of pet sitting and dog daycare services. The building has been used for commercial businesses in the past. The building will be remodeled and the building official has counseled the applicant that an engineer will be needed to inspect the building in order to ensure it is adequate for the proposed use. The applicant has indicated business hours will be 7:30am-6:30pm; there will be no more than 2 employees; and no more than 20 dogs per day. The use is estimated to generate less than 25 vehicle trips per day and VDOT has stated the proposed Davis St. entrance is adequate. Waste will be disposed of in the dumpster and will not be emptied into septic. A

portion of the property will be fenced; dogs will not be left unsupervised. The yard will be used as an exercise area and restroom facilities for the dogs. The Town of Blacksburg has stated they are in support of the request. Staff has not received calls or correspondence from adjoining neighbors.

Mr. Tuttle stated since the entrance is a shared site with the Tobacco Store, they should be made aware of the request.

Mr. Miller asked the process for the disposal of waste in the outdoor area.

Ms. Finkner, NRV Varmints owner, stated the shared entrance and drive have always been shared with the Tobacco Store and they are aware of the proposed use. The waste outside will be bagged and disposed of in the waste management container. The area will also be sprayed daily.

Mr. Thum asked how the staff had devised the recommendations regarding limits on dogs and hours.

Mrs. MacLean stated that the limit on the number of dogs was recommended based on the size of the facility and the hours were requested by the applicant to maintain their current operations.

Mr. Rice arrived at the meeting at 7:20 pm.

Mr. Thum noted a limit to number of dogs may not be necessary and could potentially limit business opportunities.

Ms. Finkner stated the standards are 70-100 sq. feet per dog, which is how the number recommended by staff was developed. Dog daycare is a new business model and there is not a lot of material regarding criteria and there is not a nationwide criteria established. This calculation has been taken from other models and publications. The site is approximately 1100-1200 square feet per floor so the twenty (20) dog limitation is acceptable. There is also a desire to keep down the number of staff and allow for better control of the dogs during social times. The overall goal is to remain a small business.

Mr. Miller noted the existing facility is well run and clean.

Mr. Rice noted he was concerned with the appearance of the wire fencing in the front yard.

Ms. Finkner stated she chose the wire fencing in the front so it would not obstruct the building. The building only has a front door, so the fencing was proposed in the front yard approximately 15 feet from the structure as a safety barrier for animals entering/exiting the facility. The fence will be picket fencing with wire behind it.

Mr. Rice opened the public hearing.

Ms. Finkner discussed the difference between a commercial kennel and dog daycare. Each area of the daycare is cleaned consistently and is open to the public. Dogs are not crated to reduce anxiety and minimize barking. A member of staff will be with the dogs constantly. The business has flourished since opening in Blacksburg and there is amazing potential for this location.

There being no other speakers, the public hearing was closed.

On a motion by Mr. Thum, seconded by Mr. Miller and carried by a 7-0 vote the Planning Commission recommended approval of the request by WTB Partnership (Sarah Finkner) for a special use permit to allow a commercial kennel with the following conditions:

1. In accordance with section 10-52(9)(c) of the Montgomery County Code a site plan prepared by a licensed engineer, architect, or land surveyor shall be submitted to the Zoning Administrator for approval. Site plan approval shall be required prior to the issuance of a certificate of occupancy.
2. No more than twenty (20) dogs or household pets shall be permitted on site at any given time.

3. This special use permit is intended for a dog daycare facility; therefore no overnight boarding of dogs shall be permitted. The typical hours of operation shall be 7:00 AM to 7:00 PM, Monday through Saturday.
4. Animals shall not be permitted outside of the building for restroom or outdoor play time until the proposed fencing has been installed. The type of fencing used on the site shall be consistent with the photographs provided.
5. No caging or chaining of animals in the outdoor area shall be permitted. Any animals utilizing the proposed outdoor facilities shall be accompanied by a NRV Varmints staff member.

An Ordinance amending Chapter 10, entitled Zoning, Sections 10-21, 10-28, 10-29 and 10-61 of the Code of the County of Montgomery, Virginia by allowing a school of special instruction by right in the General Business (GB) and Community Business (CB) zoning districts and by special use permit in the Agriculture (A-1) zoning district and by clarifying that the list of skills and activities provided in the definition of school of special instruction is not all inclusive.

Ms. Jenkins reviewed the proposed amendments to allow a school of special instruction as a use permitted by right in the General Business (GB) and Community Business (CB) zoning districts and to allow the use by Special Use Permit in the Agriculture (A1) zoning district. The amendments would allow these uses in the appropriate zoning districts and change the definition to include "similar uses". The amendments would not allow transition homes or boarding houses and will not create additional regulations or design standards for this school of special instruction. The gentleman who requested this use be added to the Agriculture (A-1) zoning district wants to conduct search and rescue training on his property.

Mr. Rice discussed his concerns that the definition may be too broad.

Mr. Sandy noted there was no way to make it more definitive without excluding something.

Ms. Jenkins suggested it could be allowed by special use permit in all zoning districts if there was a concern.

Mr. Miller noted that it was an appropriate by-right use in the business districts; however, a special use permit should be obtained for the Agriculture district.

Mr. Rice opened the public hearing.

Mr. Speiden, 657 Coal Hollow Road, stated this request was initiated by him to allow search and rescue training. He stated he was a state instructor for the Department of Emergency Management and taught search and rescue around the country. It is his desire to provide training at his own property. He noted his wife instructs yoga so this would allow an expansion of her business as well.

There being no further comments the public hearing was closed.

On a motion by Mr. Thum, seconded by Mr. Tuttle, and carried by a 7-0 vote the planning commission recommended approval of the Ordinance amending Chapter 10, entitled Zoning, Sections 10-21, 10-28, 10-29 and 10-61 of the Code of the County of Montgomery, Virginia by allowing a school of special instruction by right in the General Business (GB) and Community Business (CB) zoning districts and by special use permit in the Agriculture (A-1) zoning district and by clarifying that the list of skills and activities provided in the definition of school of special instruction is not all inclusive.

There being no further business, the meeting was adjourned at 8:10 pm.